

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

GINA FRIAS AND ROY ROMERO

v.

VERONICA SMITH AND  
THE CSI COMPANIES, INC.

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Civil Action No.: \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendants, THE CSI COMPANIES, INC. AND VERONICA SMITH (“Movants” or “Defendant”), files this Notice of Removal of this dispute to the United States District Court for the Southern District of Texas, Houston Division, and respectfully would show as follows:

**I. GROUNDS FOR REMOVAL**

1. This case is removable to this Court based on diversity jurisdiction pursuant to 28 U.S.C. §1332(a).
2. Plaintiffs, Gina Frias and Roy Romero are individuals and citizens of the State of Texas.
3. Defendant The CSI Company, Inc. is a corporate citizen of the State of Florida with its principal place of business in Jacksonville, Florida and is not a citizen of the state of Texas.
4. Defendant Veronica Smith is an individual and citizen of the State of Ohio and is not a citizen of the state of Texas.
5. As described more fully below, Plaintiff seeks to recover an amount in excess of \$75,000.00, excluding interest and costs in a state court action.
6. All Defendants consent to this removal.

**II. NATURE OF THE PENDING STATE CASE**

7. On or about April 5, 2017 Plaintiff filed a civil action against Defendants styled *Gina Frias and Roy Romero v. Veronica Smith and the CSI Companies, Inc.*, under Cause No. 2017-06893, in the 157<sup>th</sup> Judicial District Court of Harris County, Texas.

8. The subject matter of this suit is a personal injury, wherein Plaintiff s allege they were injured in a car accident involving Defendant Veronica Smith.

9. The name and address of the court from which the case is being removed is:

157<sup>th</sup> Judicial District Court of Harris County  
Harris County Civil Courthouse  
201 Caroline, 11th Floor  
Houston, Texas 77002

### **III. STATE COURT DOCUMENTS**

10. Defendants attach hereto the documents required to be filed with this Notice of Removal pursuant to LR 81:

EXHIBIT “A”	Index of Matters Being Filed
EXHIBIT “B”	Plaintiff’s First Amended Petition
EXHIBIT “C”	Executed Citation and Return of Service
EXHIBIT “D”	Defendants’ Original Answer
EXHIBIT “E”	Copy of the State Court Docket Sheet/Record
EXHIBIT “F”	List of all counsel of record, addresses, telephone numbers, and parties

### **IV. JURISDICTION**

11. Pursuant to 28 U.S. Code § 1441(a), Defendants removes this action to the District Court of the United States for the Southern District of Texas, Houston Division, because it is the District and Division embracing the place where such action is pending. In support thereof, Defendant would show that this action is between citizens of different states, and the amount in controversy exceeds \$75,000.00.

12. Plaintiffs, who are residents of Texas,<sup>1</sup> brought suit against The CSI Companies, Inc., a corporation with a Florida citizenship with its principal place of business in Jacksonville, Florida;<sup>2</sup> and Veronica Smith, a citizen of the State of Ohio;<sup>3</sup> seeking recovery for alleged personal injuries in excess of \$100,000.00.<sup>4</sup>

13. Because Plaintiff and all Defendants are citizens of different states and because Plaintiff seeks to recover an amount exceeding \$75,000.00 exclusive of interest and costs, removal is therefore proper under 28 U.S.C. § 1332(a).

## **V. TIMING OF REMOVAL**

14. Service of process on Defendant The CSI Companies, Inc. in the state court action was made on May 4, 2017.<sup>5</sup> To the best of Defendants' knowledge, service of process has not been effectuated on Defendant Veronica Smith as of the date of this filing. However, Defendants filed Answers in the state court action on or about May 30, 2017.<sup>6</sup> Accordingly, this Notice of Removal is being filed within 30 days of service of the petition upon the first served Defendant pursuant to 28 U.S.C. § 1446(b).

15. This Notice of Removal is filed less than one year after commencement of the action, pursuant to 28 U.S. Code § 1446(c).

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<sup>1</sup> Exhibit "B," at pg. 1, ¶2.

<sup>2</sup> Exhibit "B," at pg. 2, ¶4.

<sup>3</sup> Exhibit "B," at pg. 1, ¶3.

<sup>4</sup> Exhibit "B," at pg. 9 ¶30.

<sup>5</sup> Exhibit "C".

<sup>6</sup> Exhibit "D".

16. This Notice of Removal is therefore timely filed.

**VI. NOTICE TO ADVERSE PARTIES AND STATE COURT**

17. Defendants will give Plaintiff prompt written notice of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

18. Defendants will also file a copy of this Notice of Removal with the 157<sup>th</sup> Judicial District Court of Harris County, Texas, where the state court action is currently pending, as required by 28 U.S.C. § 1446(d).

**VII. CONSENT TO REMOVAL BY DEFENDANTS**

19. All Defendants join and consent to this removal as required by 28 U.S.C. §1446(b).

**VIII. ANSWER**

20. Defendants have filed Answer in the state court action prior to this Notice of Removal.

**IX. CONCLUSION AND PRAYER**

21. In light of the foregoing, Defendants Veronica Smith and the CSI Companies, Inc., respectfully remove this civil action styled *Gina Frias and Roy Romero v. Veronica Smith and the CSI Companies, Inc.*, originally pending under Cause No. 2017-06893, in the 157<sup>th</sup> Judicial District Court of Harris County, Texas.

22. Defendants pray for such other and further relief, both general and special, at law and in equity, to which Defendants may show themselves justly entitled.

Respectfully submitted,

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

/s/ David A. Oubre

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**ATTORNEYS FOR DEFENDANTS**

**THE CSI COMPANIES, INC. AND VERONICA  
SMITH**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served to the following via facsimile on June 2, 2017:

***Via Facsimile (832) 241-6001***

Michael J. Lowenberg

Andrew D. Kumar

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/s/ David C. Deiss

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